

PETITION FOR SPECIAL
EXCEPTION AND VARIANCE
for Property Located at 212
Aigburth Road
9th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 99-107-XA

Baltimore County, Property Owner
Aigburth Vale, LLC, Contract Purchaser *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County as a Petition for Special Exception and Variance filed by Baltimore County, Maryland and Aigburth Vale, LLC, legal owner and contract purchaser respectively ("Petitioner"), of the subject property located at 212 Aigburth Road in Baltimore County. The Petitioner has requested approval of a special exception to modify the existing maximum residential density standards for elderly housing on property with historic buildings from 5.5 density units per acre to 14.5 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and to modify the residential transition area restrictions for elderly housing to allow parking within the 75 foot setback and 50 foot buffer in accordance with B.C.Z.R. Section 432.4. Additionally, Petitioner has requested a variance from B.C.Z.R. Section 1B01.2.C.1.e to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet. This relief is requested to permit the contract purchaser to develop the site for a 70 unit (Class A) elderly housing facility to be known as Aigburth Vale Senior Community.

ORDER RECEIVED FOR FILING

Date

By

11/15/99
M. J. [Signature]

At the hearing before the Zoning Commissioner, Robert A. Hoffman, Esquire appeared as the attorney for the Petitioner. Also appearing on behalf of the Petitioner were Leo D'Aleo, Member of Aigburth Vale, LLC and principal architect on the project, and Blair Ferrand of Ferrand & English, Inc., the firm which prepared the site plan for the project. John B. Gontrum, Esquire appeared on behalf of The Aigburth Manor Association of Towson, Inc.

The subject property, which consists of 3.62 acres, zoned D.R. 5.5, is located approximately three blocks east of York Road on Aigburth Road in the Donnybrook-Knollwood community. This piece of land was subdivided out of a tract owned by Baltimore County and used for institutional purposes -- Towson Senior High School and related education offices. The site is, therefore, bounded on three sides by the school property and fronts on Aigburth Road. The site is improved by a historic mansion and related outbuildings. The mansion, constructed in 1868 by John E. Owens, was built in the Second Empire architectural style and is one of the few examples of this style remaining in Baltimore County. The building is listed on the Maryland State Inventory of Historic Landmarks (No. BA-100) and is on the final landmarks list of the Landmarks Preservation Committee. Application is pending before the National Register of Historic Places.

The Petitioner's plan for the development of an elderly housing facility includes the restoration of the historic mansion for use in conjunction with the facility and restoration or reuse of the outbuildings for medical offices and uses related to the elderly

ORIGINAL FILED FOR FILING
Date 11/5/99
By J.A. York

housing facility. The Petitioner proposes a total of 70 units with six unique apartment units to be located in the historic mansion and the remaining 64 units to be located in a new four-story addition separated from the mansion by a small enclosed breezeway. All of the units planned are one-bedroom apartments. The first floor of the mansion would be used as common space for the residents of the Aigburth Vale Senior Community.

Because the property contains an institutional use or historic building, the Petitioner can and has requested a special exception under B.C.Z.R. Section 432.3 to modify the existing maximum residential density standards for elderly housing on property with historic buildings from 5.5 density units per acre to 14.5 density units per acre. According to B.C.Z.R. 432.3.A, before a density increase may be granted, the Zoning Commissioner must find, if the institutional use will not be continued, that the existing institutional or historic buildings are incorporated in the plat accompanying the petition. As discussed earlier, the property was previously used for institutional (school) purposes and also contains historic structures. The Petitioner's proposed development does not provide for continuation of the institution (school) use. However, I find, from an examination of the Plan to Accompany Zoning Variance and Special Exception, which was submitted as Petitioner's Exhibit 1, that all of the existing historic structures have been incorporated into the site plan for adaptive reuse. Therefore, the requirements of Section 432.3.A have been satisfied by the Petitioner.

Section 432.3.B requires, for any such buildings that are on the final landmarks list of the Landmarks Preservation Commission, incorporation of all pertinent

ORDER RECEIVED FOR FILING

Date

By

requirements of the Landmarks Preservation Commission as conditions of the special exception. This project was reviewed by the Landmarks Preservation Commission, and the Commission submitted its findings by way of a Memorandum, dated October 23, 1998. A review of that Memorandum indicates that there are no historic preservation requirements that need to be incorporated as conditions of the special exception approval. Therefore, the requirements of Section 432.3.B have been satisfied.

Section 432.3.C further requires that I determine the following: (1) that the property is suitable for the type of development proposed; (2) that the balance of the tract outside of the building envelope will be used only for such open space and recreational uses as are permitted by right or by special exception in D.R. zones; (3) that the development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood; and (4) that the density increase will satisfy all other criteria stated in B.C.Z.R. Section 502.1. From the evidence presented at the hearing, I find that the property is suitable for the proposed facility. The Petitioner has gone through great effort to ensure that the historic mansion, which is the important feature of this property, will be restored and preserved. The restoration and retention of the mansion and the grouping of buildings after years of neglect has been a major goal of the neighborhood and preservationists in Baltimore County.

The Aigburth Manor Association of Towson, Inc. and various community members through counsel raised concerns over the usage of the outbuildings on the parcel

and over the usage of the site by non-residents of the site. Concerns of a “commercialization” of the zone and of the increased traffic to the neighborhood were raised.

In this regard Section 432.1.B.3 specifically limits permitted accessory uses to the sole use of the elderly housing community, with no exterior announcement or signage.

In addition, architectural changes in the outbuildings on the site and in the materials to be used in construction or reconstruction of the buildings were of concern to the adjacent community members. It was indicated that no presentation of materials to be used had been described. In this regard representatives of the Association also indicated a desire that one of the alternatives for afforestation indicated on the proposed plan, that of a planting of 2” caliper trees was most acceptable for screening the site.

The Association further indicated that it felt that these particular petitions for special exception and variance pertained to a very unique situation and that despite reservations over the ultimate build out of the facility it was not opposed to the approval of the special exception, density increase and variances with restrictions.

From the site plan, I note that the property outside of the building envelope will be used for open space or recreational uses. Further, I find that the proposed development will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties and the general neighborhood subject to the restrictions and conditions hereinafter stated. The proposed Aigburth Vale Senior Community will be compatible with the surrounding neighborhood and will have no adverse effects on the

COPIES RECEIVED FOR FILING
Date 1/15/99
By [Signature]

community. The new addition has been situated to the east and south of the mansion, which will reduce the visual impact to the neighborhood. The proposed development also utilizes similar materials and architectural patterns of the original buildings. Importantly, the proposed development also will provide nearby residents with a place to age close to home rather than having to move out of their community. Similarly, with this testimony in mind, I have reviewed the criteria stated in B.C.Z.R. 502.1, and I find that the proposed development satisfies each of the criteria outlined in that section.

In accordance with B.C.Z.R. Section 432.3.D, the Landmarks Preservation Commission was provided a copy of the petition for review and comment with regard to *historic preservation factors as mentioned earlier*, and such comments have been considered by the Deputy Zoning Commissioner prior to ruling on this case. The proposed modification of existing maximum residential density standards for elderly housing on this property from 5.5 density units per acre to 14.5 density units per acre is within the maximum gross residential density permitted in the D.R. 16 zone, and, therefore, this statement is made in satisfaction of the requirement contained in B.C.Z.R. Section 432.3.E.

I find that the Petitioner has complied with B.C.Z.R. 432.3.F regarding establishing a system of community participation in the form of a Board of Advisors to the facility. The Petitioner has demonstrated that a Board of Advisors has been assembled made up of, at least, six representatives of the community associations in the surrounding area or other relevant organizations. Therefore, I find this requirement to

OFFICE RECEIVED FOR FILING

Date

By

have been met. With all requirements for approval of a special exception under B.C.Z.R. 432.3 having been met, I find that the request for approval of a special exception to modify the existing maximum residential density standards from 5.5 density units per acre to 14.5 density units should be granted.

The Petitioner has further requested that it be permitted to modify the residential transition area restrictions for elderly housing to allow parking within the 75 foot setback and 50 foot buffer in accordance with B.C.Z.R. Section 432.4. According to B.C.Z.R. Section 432.4, I may, by special exception, modify or waive the residential transition area restrictions in cases where an elderly housing facility development would be severely or adversely affected by the restriction set forth in 1B01.1.B.1.b if I determine that: (1) compliance with all or part of the residential transition area restrictions will cause unreasonable hardship on the development; (2) the quality of the site design and amenities provide would justify a modification or waiver of the residential transition area restrictions; and (3) the development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.

The variance is requested to permit several parking spaces to be located within the required setbacks along Aigburth Road. From the evidence presented, I find that requiring the Petitioner to comply with these setback requirements will cause unreasonable hardship on the development and that variance will not cause any adverse impact to the surrounding neighborhood. In fact, allowing the Petitioner to place these

parking spaces within the setback will enable the Petitioner to place the spaces against the slope and to use the existing slope to shield these spaces from view. Therefore, I find the requirements of Section 432.4 to have been met, and I will grant the Petitioner permission to modify the residential transition area restrictions for elderly housing to allow parking within the 75 foot setback and 50 foot buffer.

Lastly, the Petitioner has requested a variance from B.C.Z.R. Section 1B01.2.C.1.e to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet. According to Section 307.1 of the Baltimore County Zoning Regulations, a variance from setback requirements may be granted "where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship." The proper application of Section 307.1 requires a determination first that special circumstances exist with respect to the land or the structure that is the subject of the variance request and that, as a result of those special circumstances, the zoning restriction impacts more severely on this property owner. Cromwell v. Ward, 102 Md. App. 691, 721, 651 A.2d 424 (1995). If such special circumstances are found to exist, either with respect to the land or structures, then it must be determined whether those unique circumstances make it practically difficult for the owner to utilize the property for a permitted use without coming into conflict with the zoning regulations. Id.

CASE FILED FOR FILING

Date

By

1/17/99
J.M. [Signature]

I find from the testimony and evidence presented in this case that the property and structures that are the subject of the variance request are unique, unusual, and different so as to cause the relevant setback requirements to impact disproportionately upon the Petitioner and this property. The historic mansion, constructed in 1868, is one of the few remaining examples of this architectural style remaining in Baltimore County. Used by Baltimore County for many years for institutional purposes, the mansion has fallen into disrepair. Based upon the evidence presented, I find that the Petitioners satisfied the "first step" of showing uniqueness.

Having satisfied the "first step," the Petitioners must proceed to the "second step" of this variance process, which is to demonstrate that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty for the Petitioner. In order to prove "practical difficulty," the following factors must be considered:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonable prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean v. Soley, 270 Md. 208, 214-215 (1973).

ORDER RECEIVED FOR FILING
Date 1/5/99
By [Signature]

I find that, based on the testimony and evidence provided at the hearing before me, the Petitioner has, in fact, proven the practical difficulty standards as set forth above and that the variances requested should be granted. The Petitioner has demonstrated that requiring it to comply with B.C.Z.R. Section 1B01.2.C.1.e would be unnecessarily burdensome. Additionally, I find that the granting of these variances will do substantial justice to the Petitioners, the neighboring property owners, and others. The evidence confirms that there will be no adverse impact from the variance. I further find that the grant of the variance is consistent with the spirit of the ordinance and is accomplished without injury to the public health, safety, or general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of Jan., 1999, that:

(1) the Petition for Special Exception to modify the existing maximum residential density standards for elderly housing on property with historic buildings from 5.5 density units per acre to 14.5 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") is hereby GRANTED;

(2) the Petition for Special Exception to modify the residential transition area restrictions for elderly housing to allow parking within the 75 foot setback and 50 foot buffer in accordance with B.C.Z.R. Section 432.4 in hereby GRANTED; and

ORDER RECEIVED FOR FILING
Date 1/5/99
By M. Spach

(3) the Petition for Variance from B.C.Z.R. Section 1B01.2.C.1.e to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet is hereby GRANTED, ALL SUBJECT TO THE FOLLOWING RESTRICTIONS:

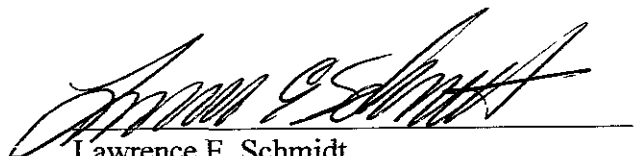
- a. There will be no use of the structures on the property except as either single family dwellings or as accessory structures as defined by B.C.Z.R. Section 432.1.B, for the sole use of the residents of the elderly housing community, and provided further that the availability of said facilities are not advertised to the general community;
- b. Prior to any architectural changes to the "outbuildings" or the main structure, or changes to the landscaping on the property, drawings or plans will be submitted for review and comment to the Board of Advisors of the Aigburth Vale Senior Community and to the Baltimore County Office of Planning and to the Landmarks Preservation Committee of Baltimore County as may be deemed appropriate for determination. The drawings and plans will then be submitted to the Zoning Commissioner for Baltimore County for approval;
- c. There will be no further expansion of buildings on the site without prior zoning approval after hearing;
- d. There will be no regular deliveries to or pickups from the site, e.g., food service, laundry, etc., between the hours of 10:00 p.m. and 7:00 a.m.;
- e. Afforestation will be met by the required planting of 2" caliper trees as stated on the plan.
- f. Restrictive covenants will be recorded guaranteeing that the property will be used for elderly housing for a period of forty (40) years.
- g. The Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until

ORDER RECEIVED FOR FILING


Date

By

such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


Lawrence E. Schmidt,
Zoning Commissioner of Baltimore County

TO1DOCS1/PAM01/0074208.01

UNRECORDED
2000
By: 



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 5, 1999

Patricia A. Malone, Esquire
Venable, Baetjer and Howard
P.O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

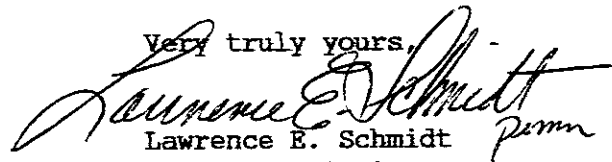
RE: Petitions for Special Exception & Variance
Case No. 99-107-XAXA
Property: 212 Aigburth Road

Dear Ms. Malone:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Variance have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: John B. Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
814 Eastern Avenue
Baltimore, Maryland 21221





Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 212 Aigburth Road

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

to approve a special exception to modify the existing maximum residential density standards for elderly housing on property with historic buildings from 5.5 density units per acre to 14.5 density units per acre in accordance with B.C.Z.R. Section 432.3 and to modify the residential transition area restrictions for elderly housing to allow parking within the 75 foot setback and 50 foot buffer in accordance with B.C.Z.R. Section 432.4.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Aigburth Vale, LLC

(Type or Print Name)

Signature: Leo J. DiLeo, Member

1106 N. Charles Street

Address

Baltimore

City

Maryland

State

21201

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

Signature: Virginia W. Barnhart, County Attorney

(Type or Print Name)

Signature

Office of Law

400 Washington Avenue, Suite 219

Address

(410) 887-4420

Phone No.

Towson

City

Maryland

State

21204

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP OFF
No Review
9-9-98 WJ

99-107-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 212 Aigburth Road
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

B.C.Z.R. Section 1B01.2.C.1.e to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Aigburth Vale, LLC
(Type or Print Name)

Signature: Leo J. D'Leo, Member

1106 N. Charles Street
Address

Baltimore Maryland 21201
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Baltimore County, Maryland
(Type or Print Name)

Signature: Virginia W. Barnhart, County Attorney

(Type or Print Name)

Signature

Office of Law
400 Washington Avenue (410) 887-4420
Address Phone No.

Towson Maryland 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL OTHER

REVIEWED BY: DATE

DROP OFF
No Review
9-9-98 ucl

99-107-XA

PROPERTY DESCRIPTION

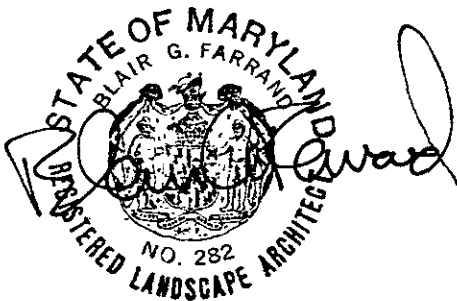
AIGBURTH VALE

212 Aigburth Road, Towson, Md. 21204

From existing driveway of Towson Senior High School, 150'± galong Aigburth Road's southern right-of-way to Point of Beginning. Starting in a counter clockwise direction, S 04°57'50" E 10.91' then S70°54'34"E 121.90' then S32°32'49"E 67.54' then S35°41'50"W 31.04' then S54°26'28"E 47.62' then S79°51'14"E 50.23' then S10°00'59"W 133.28' then S81°56'32"E 188.73' then S64°03'22"E 73.77' then N19°14'45"E 22.87' then N63°03'56"E 58.28' then N06°23'16"E 55.91' then N17°26'39"E 65.65' then N07°41'25"W 34.82' then N13°35'27"E 58.04' then N13°18'41"W 49.47' then N07°32'54"E 65.15' then N43°03'19"W 37.23' then along Aigburth Road ROW on a 275.00' radius, a length of 25.51' then S41°36'48"W 20.00' then N48°23'12"W 30.80' then N09°34'49"W 24.61' then along the Aigburth Road ROW on a 275.00' radius a distance of 51.58' continuing along ROW N69°36'14"W 2.43' continuing along ROW on a radius of 225.00' a distance of 222.86' continuing along ROW S53°38'55"W 12.13' continuing along Aigburth Road ROW on a radius of 375.00' a distance of 205.37' back to the Point of Beginning.

Deed reference 12467 / 764, containing 3.62± acres, known as 212 Aigburth Road, in election district 9, councilmanic district 4.

Property description taken from Subdivision Plat, Lot 1, Aigburth Vale dated April 1997 by Baltimore County Survey Division for the Board of Education of Baltimore County.



99-107-XA

BALTIMORE COUNTY, MARY **VD**
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 058711

DATE 9/9/98 ACCOUNT 001-6150

AMOUNT \$ 550.00 (WCR)

RECEIVED FROM: Leo J. D'Aleo

FOR: SPECIAL EXCEPTION & VARIANCE ITEM # 107

212 Aigburth Road
Case #99-170-XA Drop-Off-No Review
107

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/11/1998 9/10/1998 14:28:20

FEB 1992 CASHIER JRIC JNR OWNER 2

5 MISCELLANEOUS CASH RECEIPT

Receipt # 062829 DEL

CR NO. 058711

550.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #89-107-XA
212 Aigburth Road
S/S Aigburth Road opposite
Donny Brook Lane.
9th Election District
4th Councilmanic District
Legal Owner(s):
Baltimore County, Maryland
Contract Purchaser:
Aigburth Vale, LLC

Special Exception: to increase density for D.R.-5.5 to D.R.-14.5 for elderly housing with historic buildings and to modify the Residential Transition Area restrictions to allow parking within the 75-foot setback and 50-foot buffer. Variance: to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet.

Hearing: Tuesday, October 27, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/162 Oct. 8 c264504

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/9/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8/, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE. Case No 99-107 XA

Petitioner/Developer BALTO. CO., ETAL
C/O ROBERT HOFFMAN, ESQ

Date of Hearing/Closing 10/27/98
@ 2:00 PM
RM-407
CCB

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #212 AIGBURTH RD.

The sign(s) were posted on 10/10/98
(Month, Day, Year)

Sincerely,

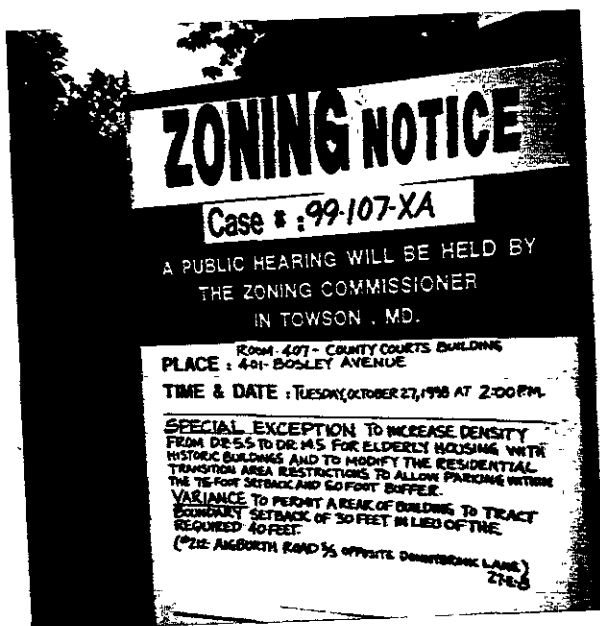
Patrick M. O'Keefe 10/12/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



99-107XA
212 AIGBURTH
H. 10/27/98

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-107-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Exception to modify the existing maximum residential density
standards for elderly housing on property with historic buildings from 5.5
density units per acre to 14.5 density units per acre and to modify the
residential transition area restrictions for elderly housing to allow parking
within the 75-foot setback and 50-foot buffer. Variance to permit a rear of

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 99-107-XA

Petitioner: Aigburth Vale, LLC

Location: 212 Aigburth Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: 210 Allegheny Ave.

Towson, Md 21204

PHONE NUMBER: 410-494-6201

AJ:ggs

(Revised 09/24/96)



TO: PATUXENT PUBLISHING COMPANY
October 8, 1998 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord 410-494-6201
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-107-XA
212 Aigburth Road
S/S Aigburth Road opposite Donny Brook Lane
9th Election District - 4th Councilmanic District
Legal Owner: Baltimore County, Maryland
Contract Purchaser: Aigburth Vale, LLC

Special Exception to increase density from D.R.-5.5 to D.R.-14.5 for elderly housing with historic buildings and to modify the Residential Transition Area restrictions to allow parking within the 75-foot setback and 50-foot buffer. Variance to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet.

HEARING: Tuesday, October 27, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-107-XA
212 Aigburth Road
S/S Aigburth Road opposite Donny Brook Lane
9th Election District - 4th Councilmanic District
Legal Owner: Baltimore County, Maryland
Contract Purchaser: Aigburth Vale, LLC

Special Exception to increase density from D.R.-5.5 to D.R.-14.5 for elderly housing with historic buildings and to modify the Residential Transition Area restrictions to allow parking within the 75-foot setback and 50-foot buffer. Variance to permit a rear of building to tract boundary setback of 30 feet in lieu of the required 40 feet.

HEARING: Tuesday, October 27, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Baltimore County, Maryland
Aigburth Vale, LLC

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 12, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

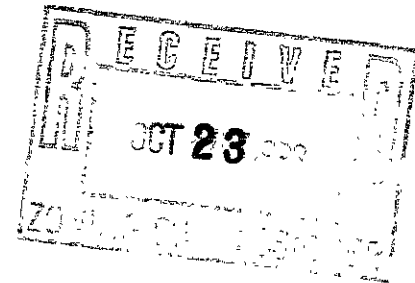
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 23, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 212 Aigburth Road, "Aigburth Vale" (Final Landmark # 71)



INFORMATION

Item Number: 107
Petitioner: Aigburth Vale, LLC
Zoning: DR 5.5
Requested Action: Special Exception, Variance
Hearing Date: October 27, 1998

The proposed Aigburth Vale Senior Center, an adaptive re-use plan for Final Landmark # 71, "Aigburth Vale," has been reviewed and unanimously supported by both the Baltimore County Planning Board and Landmarks Preservation Commission.

The Office of Planning fully supports this very high quality project that incorporates restoration of a Final Landmark List structure into an adaptive re-use project consistent with neighborhood goals.

Section Chief:

A handwritten signature in cursive script, reading 'Jeffrey W. Long', written over a horizontal line.

AFK:JL:KA:rlh

c: Robert C. Scott, Chairman, Landmarks Preservation Commission
Robert Hoffman, Counsel for the developer



**Baltimore County
Landmarks Preservation Commission**

401 Bosley Avenue
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862

October 23, 1998

TO: Lawrence Schmidt, Esquire
Hearing Officer

FROM: Kimberly Abe
Administrative Secretary, LPC

SUBJECT: Landmarks Preservation Commission decisions regarding 212 Aigburth Road,
"Aigburth Vale" (Final Landmark # 71)

Pursuant to BCC Sec. 26-241, the Landmarks Preservation Commission, at their October 8, 1998 meeting, unanimously approved the proposed adaptive re-use project, "Aigburth Vale Senior Community."

At that meeting, the LPC also unanimously decided that no historic preservation requirements need to be incorporated as conditions of the Special Exception approval. In addition, please be advised that the LPC's action also included a finding that the project preserves the structure in a manner fulfilling the intent of Sec. 26-278.


Kimberly Abe

AFK:KA:rlh

c: Robert Hoffman, Counsel for the developer
Arnold Jablon, Director, PDM



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: September 30, 1998

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for September 28, 1998
 Item No. 107

The Development Plans Review Division has reviewed the subject zoning item. The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited.

RWB:HJO:jrb

cc: File

ZONE0928.107



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.22.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 107 WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley. *RBS/gp*
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 9/21/98

DATE: 9/23/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

101	110
102	111
103	112
<u>107</u>	
109	

RBS:sp

BRUCE2/DEPRM/TXTS8P



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 24, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: BALTIMORE COUNTY MD.

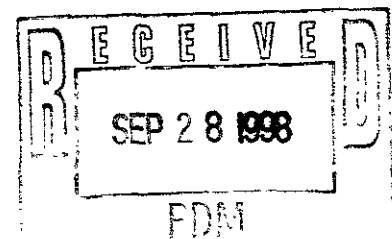
Location: S/S AIGBURTH RD. OPPOSITE DONNY BROOK LA.
(212 AIGBURTH RD.)

Item No.: 107 Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.
- A. BE ADVISED THAT THE ENTIRE BUILDING SHALL BE SPRINKLERED.



RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
212 Aigburth Road, S/S Aigburth Rd
opposite Donnybrook Ln, 9th Election
District, 4th Councilmanic

Legal Owners: Baltimore County, MD
Contract Purchaser: Aigburth Vale, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-107-XA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 9, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petition, Case #99-107-XA, 212 Aigburth Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

September 30, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petition Review (Item #107), 212 Aigburth Road, 9th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Exterior alterations to historic mansion will require a special hearing.
2. Need to show F.A.R. calculations.

If you need further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis
Planner II, Zoning Review

BR:rye

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

October 16, 1998

TO: Lawrence Schmidt, Esquire
Hearing Officer

FROM: Arnold F. 'Pat' Keller, III
Secretary to the Planning Board

SUBJECT: Decision regarding development – Aigburth Vale Senior Community –
a Landmarks List structure

Pursuant to section 26-208(b) (2) of the Development Regulations, this project was reviewed by the County Planning Board in its meeting on October 15, 1998.

By a unanimous vote, the Board's decision was that, for the reasons stated in the enclosed October 14, 1998 staff report, no further changes to the development plan for the Aigburth Vale Senior Community project are required in regard to the historic resources on the property.

The proceedings for approval of the plan (Case no. 99-107-XA; project no. 97040) may be concluded accordingly.

A handwritten signature in cursive script that reads "Pat Keller".

Arnold F. 'Pat' Keller, III

AFK:TD:rlh

Enclosure

c: Robert Hoffman, Counsel for the developer
Arnold Jablon, Director, PDM





**Baltimore County
Office of Planning**

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

TO: Baltimore County Planning Board

DATE: October 14, 1998

FROM: Office of Planning

SUBJECT: Proposed development ("Aigburth Vale Senior Community") which "involves" a structure on the Baltimore County Landmarks List (Aigburth Vale)

GENERAL INFORMATION:

Applicant: D'Aleo & Associates, LLC
Project number: 97040 (Lim.)
Case number: 99-107-XA
Location: 212 Aigburth Road
Growth Management Area: Community Conservation
Zoning: DR 5.5

Surrounding zoning and land use:

Southwest:	DR 5.5	Towson Senior High School
All other sides:	DR 5.5	Residential

Proposed development:

The "Aigburth Vale Senior Community" project is fully described in the developer's September 9, 1998 Compatibility Study, a copy of which is attached to this report; page 3 of the Study gives a summary description:

The proposed project creates a housing community tailored to meet some of the needs of Baltimore County elderly residents with the historic mansion integrated as a major component. A total of 70 units are planned in this scheme. Six unique apartment units are envisioned in the mansion, three each on the second and third floors. The remaining 64 units are located in a new addition, which are separated from the historic mansion by a small enclosed breezeway, sensitively designed so that it will not detract from the architectural significance of the original building. All of the dwelling units are planned to be one-bedroom apartments.

Planning Board's role:

Before the Hearing Officer can take final action on the plan for development on a property which "involves a building, structure or site included on the Landmarks Preservation ... List", the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision



with the Hearing Officer, including the reasons therefor." The Board's decision will be "binding upon the Hearing Officer and shall be incorporated as part of the Hearing Officer's final action on a plan." These requirements are specified in the Development Regulations at subsections 26-207(a)(3), 26-208(b)(2) and 26-208(c).

The Landmarks Preservation Commission (LPC) has statutory authority over any changes to the exterior of Landmarks List structures, but the LPC's authority does not encompass the physical setting on or in the vicinity of a landmark structure's property.. Thus, the Planning Board's role should complement the LPC's; the Board determines whether or not the development "involves" the landmark structure in a manner adverse to its setting, and, if necessary, proposes ways to overcome such effects on the historic resource.

Historic Resources:

The historic structure "involved" in this project is "Aigburth Vale" (Landmarks List #71), located at 212 Aigburth Road in Towson and currently owned by Baltimore County. The Compatibility Study also fully describes the historic resources, along with the proposed adaptive re-use of the mansion, the other buildings and the site. Briefly:

Aigburth Vale was built as a grand country villa on 197 acres of land in the Second Empire architectural style, a French style named for the reign of Napoleon III (1852-1870).... The Baltimore City Hall (designed in 1862 and completed in 1875) was the first Maryland building in this style. Since Aigburth Vale was built in 1868, it is among the first Second Empire buildings in Baltimore County and one of the few still remaining.

Aigburth Vale was built by Mr. John E. Owens, the celebrated comedian, who was perhaps the richest actor in America at the time, as famous in comedy as were the Booths in tragedy. The building has both architectural and historic interest for Baltimore County and the State of Maryland.

Review and recommendations:

The Aigburth Vale Senior Community project is a creative response to County government's request for private-sector proposals for saving the historic mansion by returning it to productive use. The Compatibility Study, required in conjunction with an "elderly housing" project, documents the developer's thoughtful consideration of the site's opportunities and constraints, and the project's expected harmonious relationship with adjoining properties.

The project has been well received by surrounding residential communities and by County government. Letters of support have come from the Knollwood/Donneybrook neighborhood, the County Executive, and Fourth District Councilman Riley. Additionally, the project has been endorsed by the entire County Council through Resolutions No. 60-98 and 61-98, the latter directly providing a financial incentive.

The initial concepts for the project were discussed with the Landmarks Preservation Commission in January of this year. Further review of the current drawings in the October 8, 1998 meeting confirmed the Commission's support for the project as submitted. The Planning staff's review of the plans, elevations and study resulted in a recommendation to the Zoning Commissioner/Hearing Officer "that this development meets the compatibility objectives of the CMDP and the Baltimore County Development Regulations."

The staff's recommendation, therefore, is that the Planning Board's decision to the Hearing Officer should be that no further changes to the development plan of the Aigburth Vale Senior Community are necessary in regard to the historic resources on the property.

TD:rlh

To: File

From: Lawrence E. Schmidt

Re: Case Number 99-107XA

This case came before me for hearing on October 27, 1998. At the hearing, the Petitioner was represented by Rob Hoffman and the community by John Gontrum. The proposal is for the conversion of a historic structure (i.e. the Aigburth Manor Estate House near Towson High School) to an elderly housing facility. The project apparently enjoys County support and the community endorses the plan, with certain conditions. The project has also been reviewed and approved by the Landmarks Preservation Commission.

In any event, counsel stated at the hearing that they wanted particular wording in the Order to reflect the agreements which had been reached. Therefore, I instructed them to prepare and submit an order "agreed as to content and form" which I will review and sign, if appropriate. They will do so and I will hold the file pending the receipt of that draft order.

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

October 23, 1998

Robert Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Ave.
Towson, Maryland 21204

RE: Aigburth Manor

Dear Rob:

As we discussed last week on the phone, I have been asked by The Aigburth Manor Association of Towson, Inc. to represent them with respect to the zoning requests for the Aigburth Manor house conversion to elderly housing. My client has been impressed by the representations of your client Mr. D'Aleo and is not interested in opposing his requested density waiver or variances. On the other hand they do wish to make sure that regardless of the ownership in the future of the project that it is built and maintained to certain standards.

Accordingly, the Association is interested in certain conditions to be contained in the zoning order and in covenants as well. With respect to the zoning order my client has specifically requested that there be provisions addressing the following:

1. No use of the structures on the property except as either single family dwellings or as accessory structures to the use of the elderly housing facility.
2. No general retail use of any of the structures, and no advertising of services apart from advertising of the elderly housing facility.
3. Prior to exterior changes of the "outbuildings" that architectural drawings be submitted for approval of the Association.
4. No further expansion of buildings on the site without prior zoning approval after hearing.

5. No deliveries to or pickups from the site such as trash prior to 7 a.m. or after 10 p.m.
6. Afforestation to be met by the required planting of 2" caliper trees as stated on the plan.

In addition to the zoning conditions my client is interested in signing covenants for thirty (30) years as indicated as acceptable by your client in earlier meetings that basically assure:

1. The property shall be used only for Class A elderly housing and for no other primary use.
2. Any exterior changes to any of the buildings on site shall be submitted to the Association for review and approval prior to submittal to the county for community compatibility, which approval will not be unreasonably withheld.
3. All landscaping plans will be submitted to the Association for review and comment prior to submittal to the county for comment.
4. The structures on the premises will be used solely for the support of the elderly housing facility and will not be open to the general public. Specifically excluded will be outside catering and meetings, doctors' offices, and related uses except as may occur for the sole use of residents of the facility.

It is my understanding that in one form or another all of these issues have been raised with your client, and my client is of the collective opinion that most of these issues have been viewed favorably by him. The reasoning of the Association with respect to these conditions is fairly straightforward.

The Association believes that the proposed use will impact the community in ways that may not be wholly favorable. The Association recognizes the desirability, however, of adaptive reuse of the Manor house, and for that reason is not raising issues over the use requested nor over the materials used in the proposed new four story building. In part, their acquiescence is based on the fact that the new building will be located behind the Manor house away from the residential community and will be shielded in part. Such is not the case with the outbuildings which are very visible from the residential street. Perhaps understandably, there is no indication of future use of the buildings except that it is intended for them to remain in some form. The Association does not have any problem with the use of the buildings to support the elderly housing units, but such permitted accessory uses should not be expanded to general doctors' offices, hairdressers, bank machines, etc, which offer hours to the community generally. In addition, the "look" of the buildings is of concern to the community due to their visibility.

Finally, as I mentioned in our conversation the Association does not want to see "adaptive reuse" of the elderly housing facility. Conversion to some other form of apartment housing is completely unacceptable. There are plenty of apartments already in the neighborhood, and the student housing is too close for community comfort.

The Association views its community as very stable and very established with fine quality single family homes. It does not want its co-operation in this project to be viewed as a shift in its desire of conservation of the existing community or to be viewed as opening the door for additional apartment dwellings or higher density. The Association views this as a truly unique case with a specialized proposal for a special property. It only seeks that the spirit and intent of that proposal is followed regardless of the ownership or maintenance of the site.

If you can get back to me on these issues prior to the hearing, we are willing to do a joint presentation to the zoning officer. We can finalize covenants either prior to the written order or during the appeal period.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'John B. Gontrum', written in a cursive style.

John B. Gontrum

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

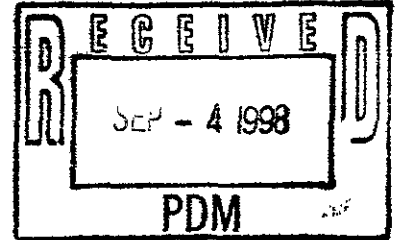
VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6206

September 4, 1998

HAND-DELIVERED

Mr. Carl Richards
Department of Permits and
Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Petitioner/Property Owner: Baltimore County
Location: 212 Aigburth Road
Petition for Special Exception, Petition for Variance

Dear Mr. Richards:

I am drop-filing the enclosed Petition for Special Exception and Petition for Variance with regard to the above-referenced property. This request has been previously reviewed by Bruno Rudatis of your office. This property is not in violation of any zoning laws. Enclosed are the following documents:

1. Petition for Special Exception, Petition for Variance (3 of each);
2. Zoning Description (3);
3. Site Plan (12);
4. 200' Scale Zoning Map (1);
5. Newspaper Advertising Form; (1) and
6. Check in the amount of \$550.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

Patricia A. Malone

PAM/sm
Enclosures
TO1DOCS1/PAM01/0070680 01

99-107-XA

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

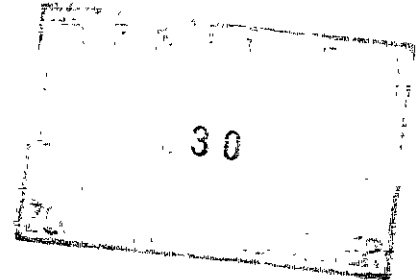
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6206

December 30, 1998

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
New Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204



Re: Petition for Special Exception and Variance for 212 Aigburth Road
Zoning Case No.: 99-107-XA

Dear Mr. Schmidt:

With this letter, I am enclosing the proposed Findings of Fact and Conclusions of Law that have been reviewed by both the Petitioner and Protestants in this matter.

If you have any questions or concerns with respect to this matter, please feel free to give me a call.

Kind regards.

Very truly yours,

A handwritten signature in black ink, appearing to be "Patricia A. Malone". The signature is stylized with a large, looped initial "P" and a long horizontal stroke at the end.

Patricia A. Malone

PAM/sm
Enclosures

cc: John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Avenue
Baltimore, Maryland 21221

TO:DOCS1/PAM01#76874 v1

530 Brook Road
Towson, MD 21286
October 19, 1998

10/21/98
P
WCA 7 file

Mr. Arnold Jablon
Director, PDM
111 W. Chesapeake Avenue #111
Towson, MD 21204

Dear Mr. Jablon:

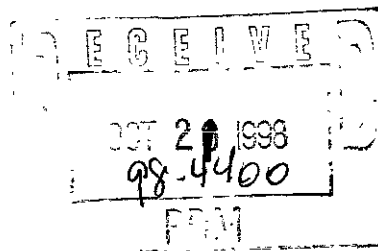
I am writing this letter as a "comment" to the zoning of Aigburth Mansion. The case number is 99-107XA.

Unfortunately, I cannot be in court the day of the hearing. But my "comment" is as follows: after hearing what the other gentleman, Mr. Martin Azola, wanted to do with the Mansion, make the buildings into medical offices, I cannot see how Baltimore County could let an assisted living group to go in there. Do you realize that there are teenagers going to Towson High School right there? The teens use the driveway for meeting grounds.

The medical offices would have certainly been a lot better.

Sincerely,

Lynn Langrall
Lynn Langrall



Rob Keppner

John Contin, architect/Manager of
assoc of Touron Inc.

proposed redvel. of historic
manor -

architect/Manager Relocation -
party will screened

proposal - restore

any day will be on Nat'l Register
is a Balto Co Landmark -

Remove additions added over the
years, restore to

70 ads for elderly -

\$ 432. - Sp. X can increase

Sp X per 432.

Sit back Rear yd is on
THS side

NTA to allow parking ~~on~~ lot
amt of parking on site will
be reduced.

~~Textbook~~ ~~offices~~ was offices,
now vacant

502.1 - met

Advisory Board - See Lib. No 2

NTA-432.4

~~NTA~~

* Say that this image
is separate

Letter

1132.1

will be covered-

3

~~5/12/88~~
by

approved Planning office

w/ notice

to
advisory
Board

+

to H.O.A.

Covenant

#12

approved by Planning
office

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

VINCENT P. QUAYLE

4427 HARBOUR RD (14)

BRIAN T. DEVLIN, Sr. Ambassador 321 E. 25th St, Baltimore

LEO J. D'ALCO

1106 N. CHARLES ST., BALT. MD.

Rob Hoffman

210 Allegheny Ave 21204



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John S.H. Chapman
Mary Carol Broff
henry V. Kirby
JACK L. GIACOMO
JUDITH M. GIACOMO
Susan & Paul Hartman

66 Cedar Ave 21286
15 Hillside Ave 21286
203 AIGBORTH RD.
17 AIGBORTH RD. 21286
17 AIGBORTH RD 21286
18 1/2 Cedar Ave 21286



REVISED MEMORANDUM

Pat Noz

TO: File

FROM: Barbara W. Ormord

DATE: October 27, 1998

RE: Aigburth Vale/Advisory Board Numbers

The following individuals are willing to participate on the Advisory Board which has been established with regard to the Aigburth project:

1. Harvey Noyes, Representative
Wiltondale Association
410-337-0426 - Home
410-931-7800 - Work
2. Elizabeth Andresini, Representative
Wiltondale Association
410-494-6200 - Work
3. Judith Giacomo, President
Aigburth Manor Community Association
410-337-7348 - Home
4. Sally Malena, Representative
Aigburth Manor Community Association
18 Aigburth Road
410-337-3788 - Home
5. Robin Bruck, President
Knollwood-Donnybrook Association
410-583-6821 - Home
6. Carol Allen
Historic Towson Association
410-823-8541 - Work
7. Rick Barton or Ellen Breidenbaugh
Baltimore County Historic Trust
410-832-1812 - Work

(Participant Undetermined as of 10/27/98)

**AIGBURTH VALE
SENIOR COMMUNITY**

212 AIGBURTH ROAD, TOWSON, MD.
Election District: 9 Councilmanic District: 4

COMPATIBILITY STUDY

Prepared By:

FARRAND & ENGLISH, INC.
416 Lyman Ave.
Baltimore, MD 21212
410 435-3400

and

D'ALEO & ASSOCIATES, LLC
1106 N. Charles Street
Baltimore, MD 21201
410 752-7848

Date:
September 9, 1998

AIGBURTH VALE SENIOR COMMUNITY

A. Site Description and Neighborhood:

The 3.62 acre site is located approximately 3 blocks east of York Road on Aigburth Road in the Donnybrook-Knollwood community. The site was recently (1997) subdivided out of the Towson Senior High School property owned by the Baltimore County Board of Education. The site is bounded on three sides by the school property and fronts on Aigburth Road. The high school building itself is a tan stone and brick structure at approximately 500' to the southwest of the site.

Aigburth Vale was built as a grand country villa on 197 acres of land in the Second Empire architectural style, a French style named for the reign of Napoleon III (1852-1870). The hallmark of this style is the characteristic mansard roof, a roof of two slopes: a steep lower slope with an upper slope of very shallow pitch. The style flourished throughout America in the post-Civil War era to the early 1880's. The Baltimore City Hall (designed in 1862 and completed in 1875) was the first Maryland building in this style. Since Aigburth Vale was built in 1868, it is among the first Second Empire buildings in Baltimore County and one of the few still remaining.

Aigburth Vale was built by Mr. John E. Owens, the celebrated comedian, who was perhaps the richest actor in America at the time, as famous in comedy as were the Booths in tragedy. The building has both architectural and historic interest for Baltimore County and the State of Maryland. It is listed on the State Inventory, No. BA-100 and is on the list of County Final Landmarks, requiring review of all exterior modifications prior to issuance of a building permit.

The Aigburth Vale Senior Community is a response to an earlier RFP issued by Baltimore County searching for the ideal developer who would restore the mansion to its original condition and appearance for continued public use and accessibility. A number of developers and adaptive-uses had been proposed over the past two years, with Aigburth Vale Senior Community being the only project with a use acceptable to the neighborhood and the creative and financial viability to accomplish its plans. Letters from the County Executive, 4th District Councilman Douglas B. Riley and the adjacent Knollwood/DonneyBrook neighborhood have all been written in support of the project.

Site features include many large trees and the west branch of Herring Run which runs through the eastern side of the site. The vehicular entrance is on the west side of the site off of Aigburth Road. This entrance drive provides a drop-off loop to the main building and winds past the other site buildings as it goes down hill and into two large parking areas.

We have defined the neighborhood surrounding this site as being bounded on the west by York Road, on the north by Burke Avenue, on the east by Knollwood Road, and on the south by the high school property. The southwest quadrant of this neighborhood is comprised of single

family homes (DR 5.5). To the west is an area of DR 16 located at the corner of York Road and Aigburth Road with the Cardiff Hall East Apartments on the north side of Aigburth and the Sunrise of Towson Assisted Living Retirement Community on the south side. To the north of the site are single family homes (DR 5.5). To the northeast are the Donnybrook Apartments, 2 story brick, (DR 10.5). The southeast quadrant, beyond the school athletic fields, is also single family homes (DR 5.5).

B. Project Description

The proposed project creates a housing community tailored to meet some of the needs of Baltimore County elderly residents with the historic mansion integrated as a major component. A total of 70 units are planned in this scheme. Six unique apartment units are envisioned in the Mansion, three each on the Second and Third Floors. The remaining 64 units are located in a new addition, which are separated from the historic mansion by a small enclosed breezeway, sensitively designed so that it will not detract from the architectural significance of the original building. All of the dwelling units are planned to be one-bedroom apartments.

The First Floor of the historic mansion will house the Common spaces for the residents in the community. These spaces will include a parlour and living room, a card room/game room, a TV and library area and a private dining room and kitchen that will be available to the residents for private family dining. Plans include demolishing the incompatible one story, East and South additions to the Mansion, replicating the original porch on the front of the building and restoring the Mansion to a period of time shortly after its construction in 1868.

The new addition will be four stories in height and designed as a background structure, similar to the other outbuildings, to showcase the Mansion. In addition to the 64 units, the building will include an elevator, a trash room and chute and laundry facilities on every floor. Each typical unit will have a living room, a bedroom, a full bath and kitchen with range/oven, refrigerator and kitchen cabinets. Each apartment will be sprinklered and have smoke detectors. The first floor of the building will have a rusticated masonry base, while the middle floors will have horizontal vinyl siding. The upper floor will have a shingled, mansard roof matching the rooflines of the historic mansion.

The existing small one-and-a-half story cottage with decorative details similar to the mansion, believed to be a tenant house built in 1869, would be used as an on-site Medical Office for Doctors on a rotating basis. The other out-buildings will be used for an innovative program, Break-Away, of the non-profit Easter Seals Society, which provides a structured activities program to help seniors remain as independent as possible while receiving quality care in a safe, home-like setting. Available as a resource to the surrounding community, which will provide

most of the participants, the Break-Away program is licensed as both a social and medical adult day care center to address both medical concerns and socialization relief from isolation. Break-Away was founded to prevent premature nursing home placement by offering adult day care services, including social, medical, recreational, rehabilitation, educational and group activities, as well as health screenings.

Only 47 parking spaces are required for this project, so the existing paved area at the site will be reduced. The southernmost parking lot adjacent to the High School recreational fields would be eliminated entirely. The overall landscape concept would create a forest buffer along the stream bed and perimeter road, and, if possible, include restoring the garden.

C. Compatibility

1. Arrangement and Orientation of Proposed Site Improvements:

While the Aigburth Vale mansion, built in 1868, was situated originally on a prominent rise in a 300 acre estate, the house was one of a number of large mansions that were distributed along York Road during that era and which later became the site of early suburban development. The Aigburth Vale subdivision was the *first* suburban development in the Towson area¹. The property was divided up for development around the time of John Owens' death in 1889 and the house, at the center of the development, served briefly as an inn or summer resort. The surrounding acreage became a part of Towson Nurseries and was gradually diminished in size as residential development proved a more profitable and significant land use at various times from 1910 to the 1960's as families left Baltimore for the quiet country living the suburbs offered. Development continued in this area as mass transit lines and the York Road spine made it much easier to commute from here to the City.

This property was subdivided from the middle of the Towson Senior High School frontage along Aigburth Road. Because of this, there is no adjacent development or buildings for approximately 500' to the east, the west, or the south of the proposed new building. The site design as proposed will place all of the new construction to the rear of the property and behind the existing historic mansion and other existing buildings as seen from the street. The proposed driveways and parking layout follow the existing paved areas.

Because this project adds only one building and follows the existing pavement there is no real pattern established nor is there a distinct pattern in the neighborhood. The single family areas are typical street oriented dwellings and the apartment buildings in the

¹Neal A. Brooks and Eric G. Rockel, A History of Baltimore County. Towson: Friends of the Towson Library. 1979

neighborhood generally face the street but some have parking lots in front and some along side or behind the buildings.

2. Building and Parking Lot Layout Pattern:

The proposed new building will be behind the existing 3 1/2 story historic mansion and the other existing site buildings. Existing trees, the stream and the proposed reforestation will screen the new building from the high school athletic fields, and the parking will follow the existing paved areas. The restoration and preservation of the existing historic buildings that are so prominent along Aigburth Road enhance the neighborhood and cause no adverse impacts.

3. Street and Road Network:

This proposal does not change the existing pattern of the entrance from Aigburth Road or the internal vehicular circulation. The pedestrian circulation within the site will allow access to all the facilities and will connect with the community at the existing sidewalk near the stream and a new sidewalk along the driveway.

4. Open Space:

The new building will have a footprint of 12,420 SF and the project will include 50 parking spaces, but there will be a net reduction in impervious area of approximately 0.29 acres. This results from the removal of several existing additions to the historic mansion and the elimination of a large portion of the paved parking area now in the flood plain along the stream. This area along the stream which is adjacent to the open athletic fields of the high school will be reforested to protect and enhance the quality of the stream and will add to the community's enjoyment of the small stream. Existing open space along Aigburth Road will remain. Other open space on site will also remain and the spaces between the new building and the historic house will be designed as outside patio and garden areas for the residents and visitors.

5. Distinctive Site Features:

This site is full of distinctive site features which will be preserved and enhanced. First and most important are the two historic buildings which will be restored back to a historically correct condition.

Another distinctive feature of the site is the Herring Run stream. In order to enhance and promote a better quality of life in the Aigburth Vale area of Towson, the *Baltimore County Master Plan, 1989-2000* identified the Herring Run Greenway, the stream on the east side of the development, as a critical component of a cohesive community open space system. Mentioned specifically in the Master Plan under the category of Enhancement of Existing

Parks is the Aigburth Vale House, recommending that restoration plans include landscape improvements to enhance the scenic qualities of the grounds and incorporate appropriate park uses and connections, which it will. The stream will have an area of approximately 0.58 acres within its flood plain reforested to enhance and improve its habitat. Also of distinction on site are the large existing trees. Some trees will be lost for the new building, some trees will be lost due the requirements of the RFP, but most of the site trees will remain, especially the trees along the street frontage of Aigburth Road.

6. Landscape Design:

The main goal of the landscape design will be to preserve as many of the existing trees as possible. This already complements the neighborhood. Additional planting will include trees along the driveway (as requested by the community), additional screening of parking, and planting to help screen the new building from the street and adjacent open space. Functional goals of the landscape design will be to provide shade for patio and paved areas and for stream enhancement with the reforestation work.

7. Exterior Signs, Lighting, and Accessory Structures:

One sign identifying the project will be placed at the driveway entrance. This sign will comply with county sign requirements and will be low scale and be constructed of wood to stay in character with the major historic buildings. Internal site signs will be small in scale and directional in nature.

Site lighting for driveways and parking areas will be by decorative fixture, low in height, cut-off character to reduce light spillage and shielded where necessary to avoid adjacent properties. Pedestrian level lighting will be with low bollards and garden lights and will not impact the surrounding neighborhood. The lighting for the entrance sign will be directed at the sign only.

An additional site structure to enclose the garbage dumpster will be an opaque, gated, 6' high architectural design fence.

8. Scale, Proportion, Massing, and Detail of Proposed Buildings:

While the new addition will be four stories in height, it is designed as a background structure, similar to the other outbuildings in order to showcase the Mansion and retain its prominence on the site. The predominant view as one travels on Aigburth Road will still be the historic mansion and the original configuration of outbuildings that have surrounded the mansion for years.

The new addition is comprised of three connected groupings in order to add architectural interest and create a facade that is not repetitious. The dominant view of the new addition

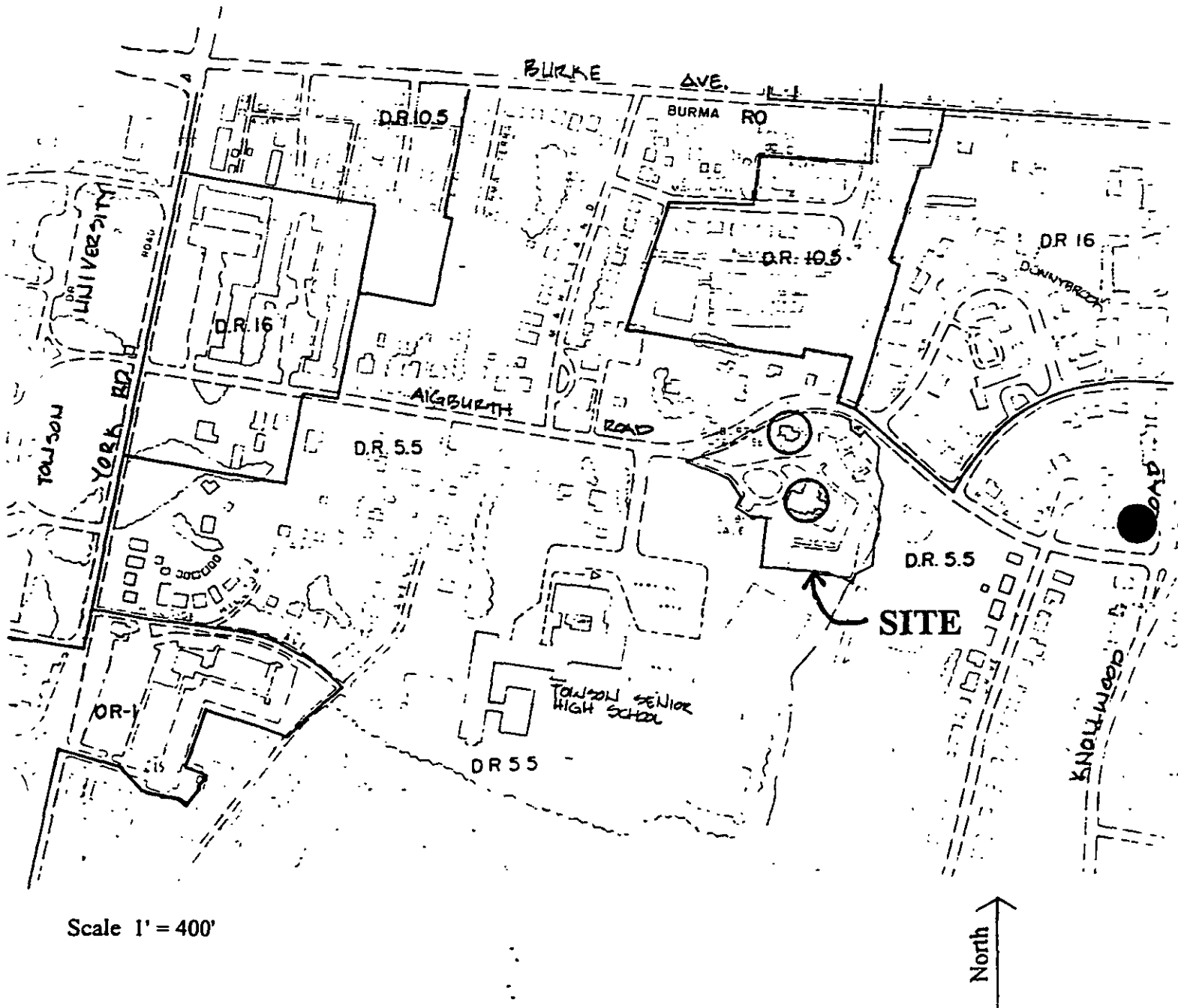
will be from the south where the athletic fields of the High School are located. This view, however, will be partially concealed by an existing tree line and the new reforestation area.

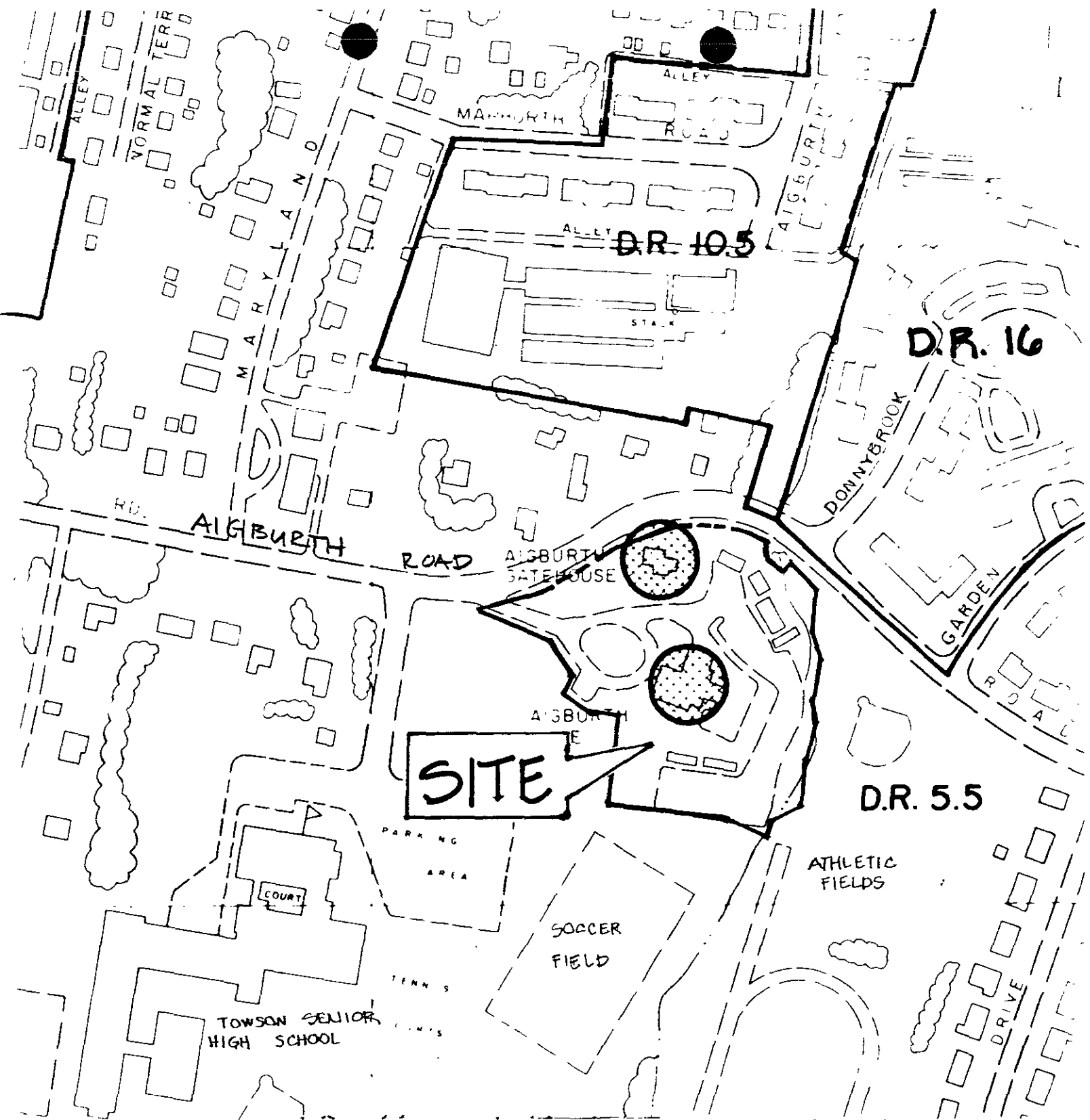
The new addition will utilize similar architectural elements and features as the original mansion. These features include a stone-faced foundation, horizontal siding with corner board trim, framed, divided-lite windows and a mansard roof on the upper story with round-headed dormers with divided-lite windows. Details on this building will be kept simple to further reinforce the prominence of historic mansion.

D. Summary

The proposed Aigburth Vale Senior Community will be compatible with the surrounding neighborhood and will have no adverse effects on the community. The restoration and retention of the mansion and the grouping of buildings after years of neglect has been a major goal of the neighborhood and the County preservation community at large. With the new addition situated to the east and south of the mansion utilizing similar materials and architectural patterns of the original buildings, the decreased floor to floor height and a first floor elevation that matches the basement of the mansion, all new elements of the proposed plan serve merely as background and are compatible with the neighborhood. That, along with the elimination of paved areas and unattractive trailer attachments and the reforestation of 0.58 acres along the Herring Run Greenway creates a project that is supportive of the existing neighborhood and community.

The proposed Aigburth Vale Senior Community creates a housing community tailored to meet some of the needs of Baltimore County elderly residents with a historic mansion integrated as a major component. It will allow the nearby residents to age-in-place, rather than to move out of their community to a more costly facility. And, it will provide facilities and programs for nearby elderly residents that may help them remain in the community in their homes for a longer time. As both County and State officials have described, what is most exciting about this project is the way it exemplifies the spirit and intent of a 'smart-growth' policy: fulfilling a social necessity of providing housing for a growing elderly community; solidifying an already stabilized neighborhood by providing options for nearby residents; providing new programs for elderly residents in the adjacent communities and returning to productive use a valuable County resource with unquestionable historic and architectural merit for Baltimore County and the State of Maryland.





D.R. 5.5

SCALE

1" = 200' ±

LOCATION

SHEET

WILTONDALE

NE

DATE

OF

PHOTOGRAPHY

JANUARY

1986

TOWSON

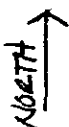
ALBURTH VALE

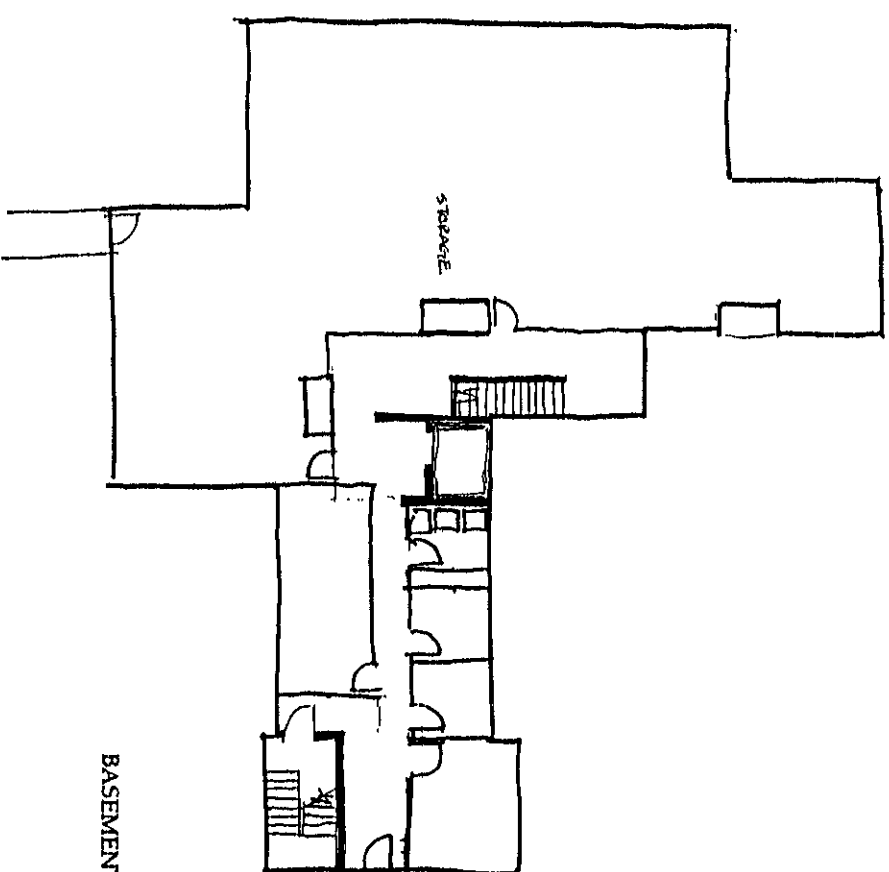
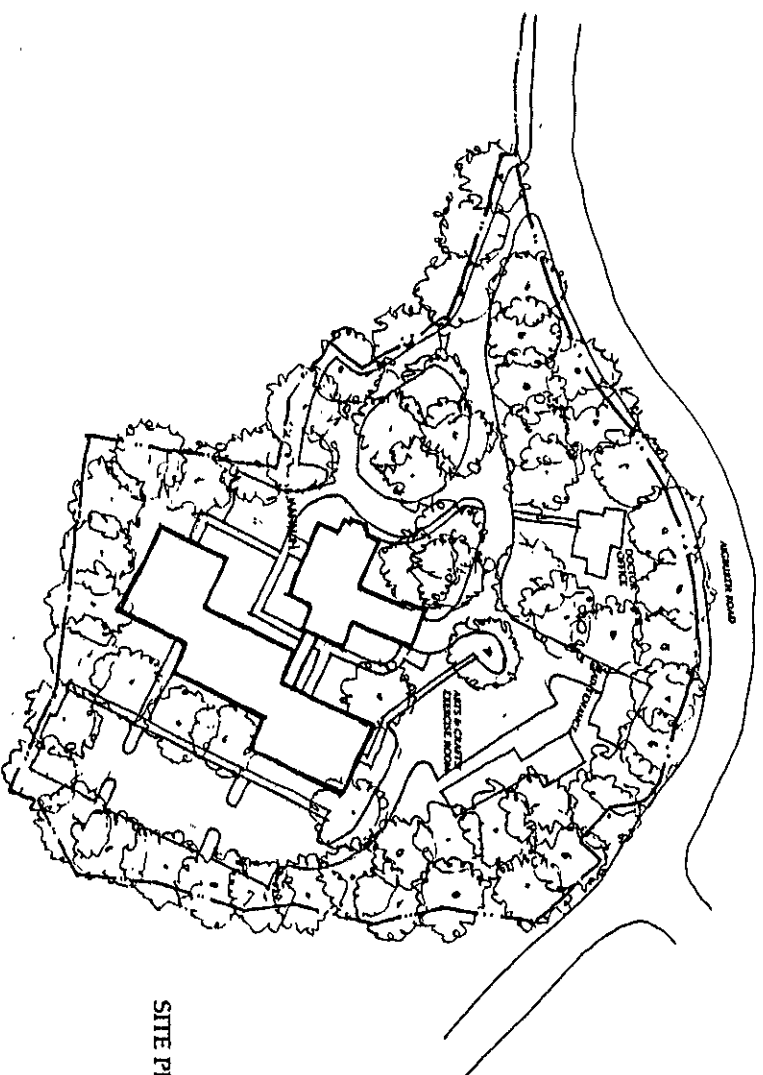
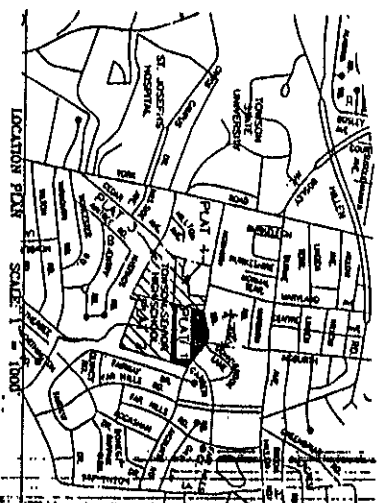
212 ALLEGHURTH RD.

9-A

99-107-XA

BALTIMORE COUNTY
OFFICIAL ZONING MAP



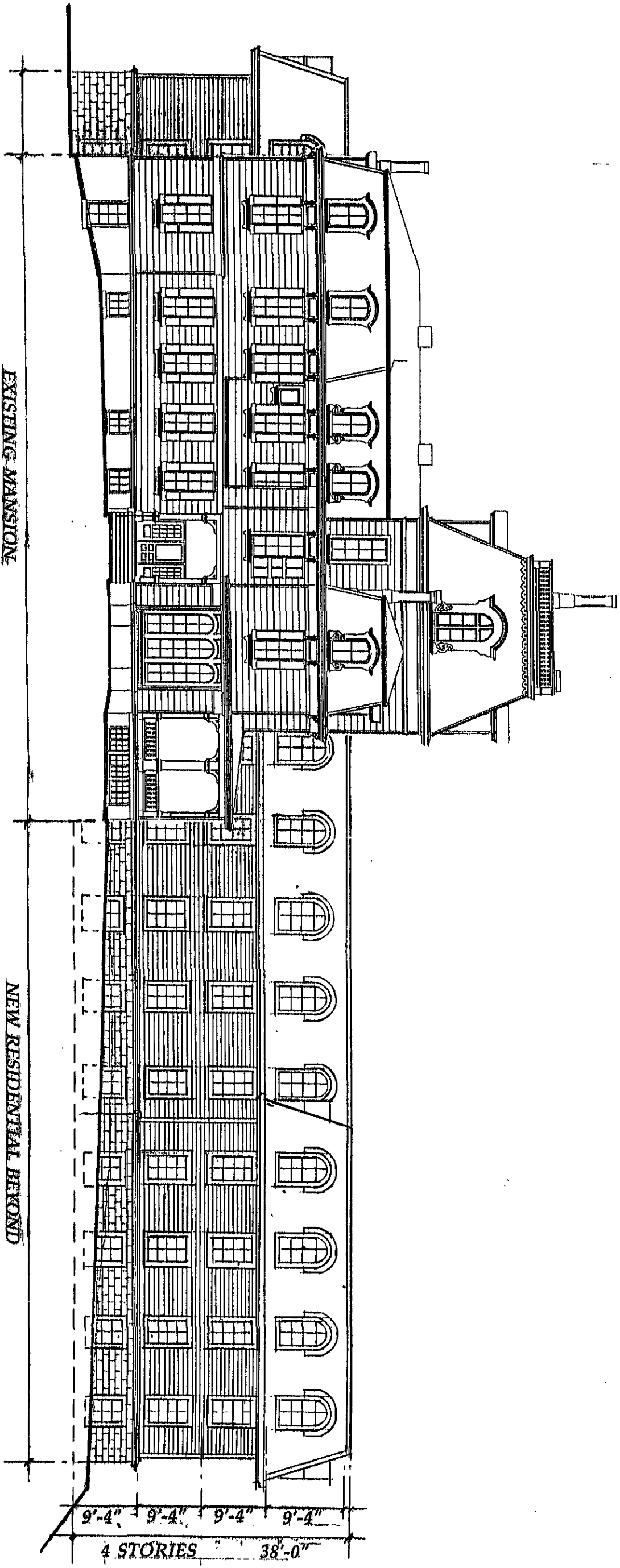


AIGBURTH VALE SENIOR COMMUNITY

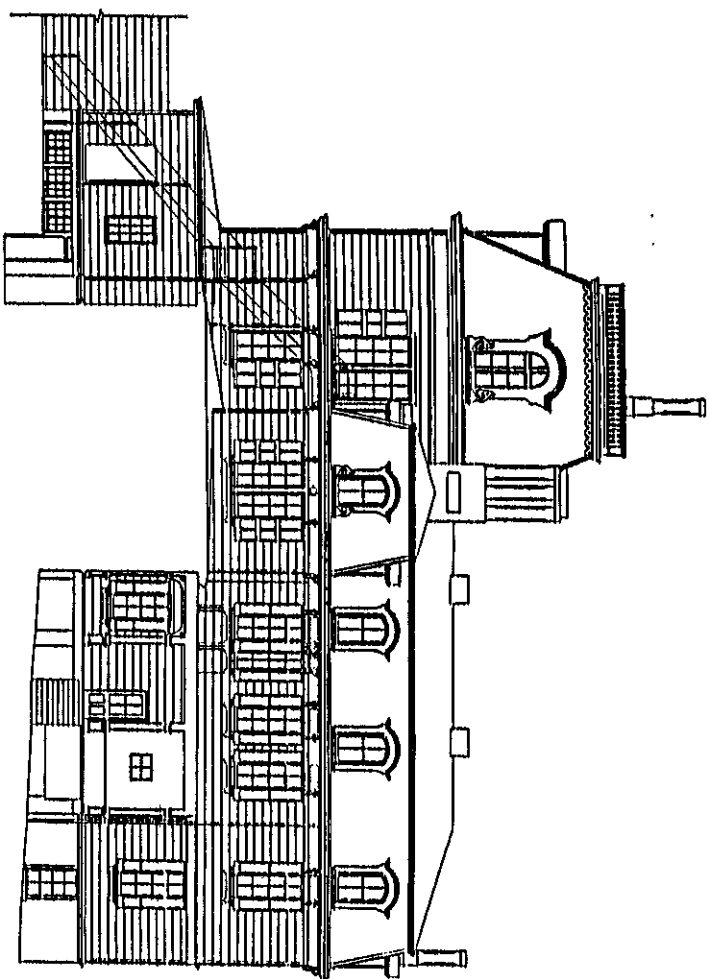
D'ALEO & ASSOCIATES, LLC ARCHITECTS AND PLANNERS

BALTIMORE, MARYLAND

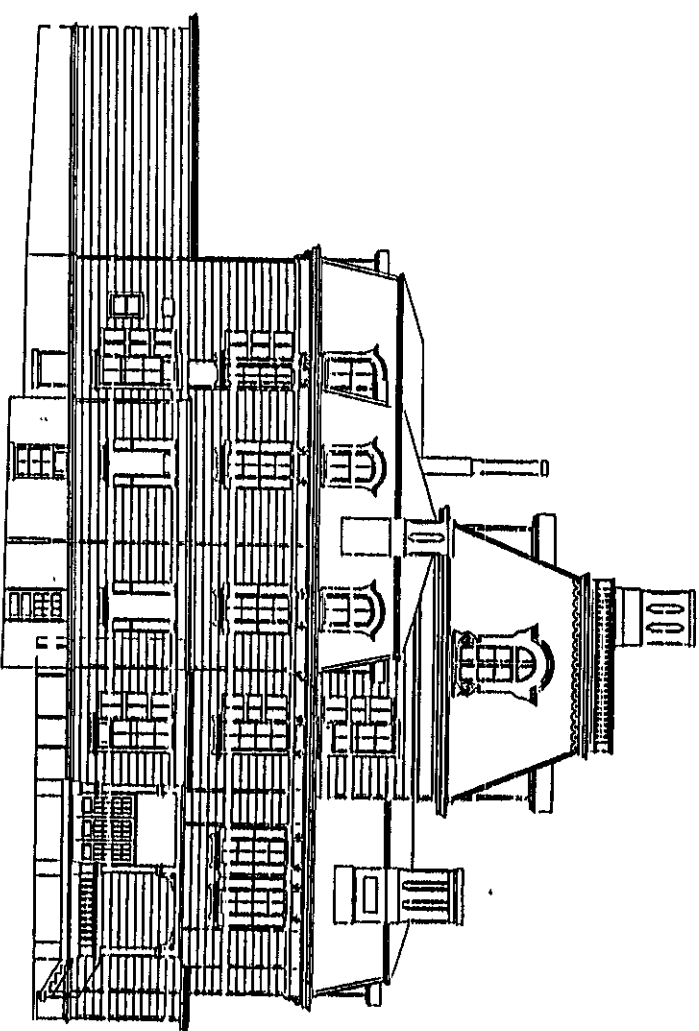
RECEIVED
SEP - 3 1998
OFFICE OF PLANNING



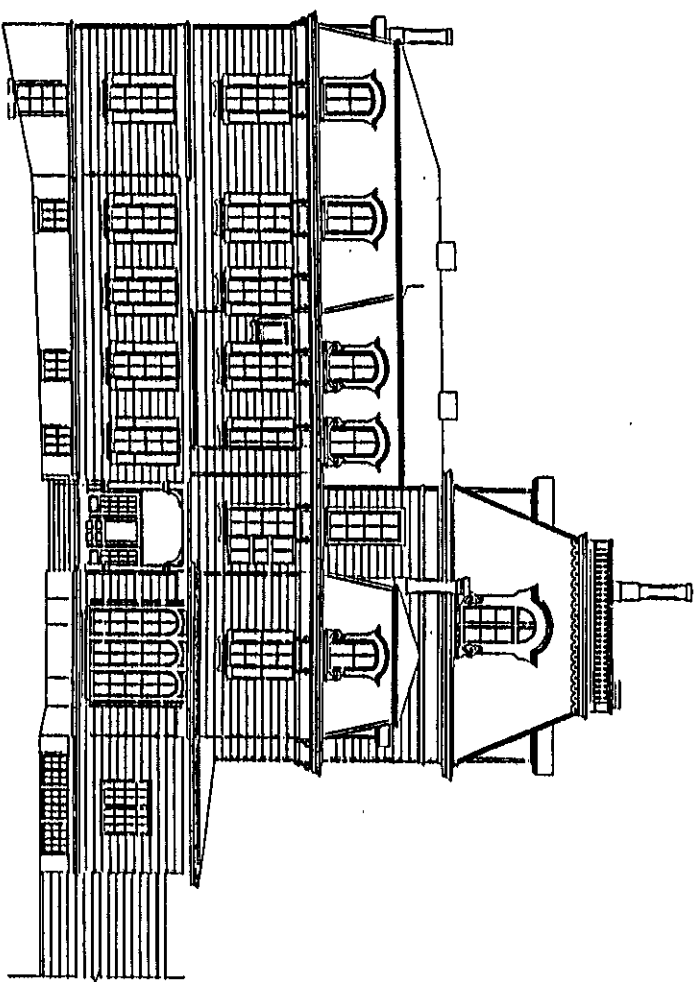
APPROXIMATE SCALE: 1/8\"/>



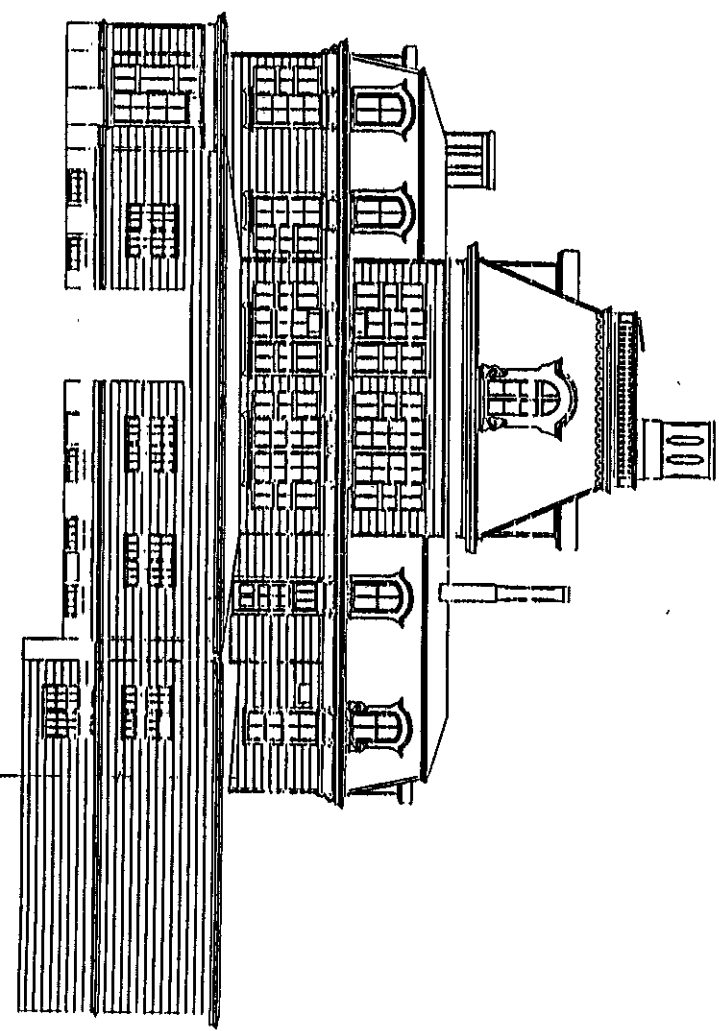
SOUTHEAST



NORTHEAST



NORTHWEST



SOUTHWEST

DIGITIZED PHOTOGRAMMETRIC ELEVATIONS

Aigburth Vale Senior Community

D'ALEO & ASSOCIATES, LLC ARCHITECTS AND PLANNERS BALTIMORE, MARYLAND

